

21

FILED  
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

2004 JAN -7 P 12:22

U.S. DISTRICT COURT  
DISTRICT OF MASS.

PEIERLS FOUNDATION INC. and  
E. JEFFREY PEIERLS, individually and as trustee for Under Deed Ethel F. Peierls for  
Brian E. Peierls, Under Deed Ethel F. Peierls for E. Jeffrey Peierls, Under Deed Edgar  
S. Peierls for Ethel F. Peierls et al., Under Deed Jennie N. Peierls for Brian E. Peierls,  
Under Deed Jennie N. Peierls for E. Jeffrey Peierls, Under Will Jennie N. Peierls for  
Brian E. Peierls, and Under Will Jennie N. Peierls for E. Jeffrey Peierls

Plaintiffs,

v.

JAMES E. RURKA,  
MARK SKALETSKY,  
PAUL J. MELLETT,  
RICHARD ALDRICH,  
KATE BINGHAM,  
CHARLES W. NEWHALL III,  
DAVID SCHNELL,  
JOHN P. WALKER,

Civil Action No. 0312213ESH

Defendants.

---

**DECLARATION OF SUSAN BERNHARDT**

---

1. I am a member of the law firm Netzorg McKeever Koclanes & Bernhardt  
LLC, located at 1670 Broadway, Suite 500, Denver, CO 80202.


2. I am a member of the highest court of the State of Colorado and am  
admitted to practice in the United States District Court for the Districts of Colorado,  
Northern California, and Arizona.

3. I am member of the Bar in good standing of every jurisdiction where I have  
been admitted to practice.

4. There are no disciplinary proceedings currently pending against me as a member of the bar of any jurisdiction.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this 31<sup>st</sup> day of December, 2003.

  
\_\_\_\_\_  
Susan Bernhardt

**Certificate of Service**

I hereby certify that I have mailed the foregoing document on January 7, 2004 to the following:

Mark Skaletsky  
25 Winthrop Road  
Brookline, MA 02445-4527

David Schnell  
Prospect Venture Partners  
435 Tasso Street, Suite 200  
Palo Alto, CA 94301

James E. Rurka  
3 Carriage Court  
Menlo Park, CA 94025-6626

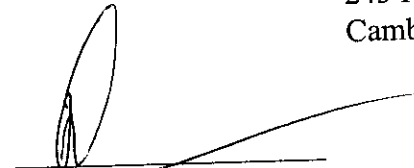
Kate Bingham  
71 Kingsway  
London WC2B 6ST  
United Kingdom

Paul J. Mellett  
500 Arsenal Street  
Watertown, MA 02472-2806

Charles W. Newhall, III  
2803 Caves Road  
Owings Mills, MD 21117

John P. Walker  
Bayhill Therapeutics, Inc.  
3430 W. Bayshore Road  
Palo Alto, CA 94303

Richard Aldrich  
RA Capital Associates  
245 First St., 18<sup>th</sup> Floor  
Cambridge, MA 02142



David E. Marder

# ROBINS, KAPLAN, MILLER & CIRESI LLP

SUITE 1300  
111 HUNTINGTON AVENUE  
BOSTON, MA 02199-7610  
TEL: 617-267-2300 FAX: 617-267-8288  
www.rkmc.com

ATTORNEYS AT LAW

2004 JAN -7 P 12:52

January 7, 2004

DAVID E. MARDER  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

VIA HAND DELIVERY

Civil Clerk  
United States District Court  
District of Massachusetts  
United States Courthouse  
1 Courthouse Way - Suite 2300  
Boston, MA 02210

Re: *Peierls Foundation, Inc., et al. vs. James E. Rurka, et al.*  
US District Court, D. Mass. Civil Action No. 03-12213 EFH

Dear Sir/Madam:

Enclosed herewith for filing are: 1) Motion for Admission of Susan Bernhardt and James N. Phillips *Pro Hac Vice*; 2) Declaration of Susan Bernhardt; and 3) Declaration of James N. Phillips. Also enclosed are a check for the filing fee in the amount of \$100.00, and a copy of the Motion, to be stamped and returned to the courier.

Thank you for your assistance, and please do not hesitate to call if you should have any questions concerning the enclosed.

Very truly yours,

ROBINS, KAPLAN, MILLER & CIRESI LLP

  
David E. Marder

Enclosures

cc: Per Certificate of Service

35012555.1